

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Richard Dimas MARTINEZ,

Defendant(s)

FILED
2008 AUG 14 AM 11:22 '08 MJ2514
Magistrate Case No.

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

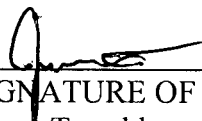
COMPLAINT FOR VIOLATION OF:
BY DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

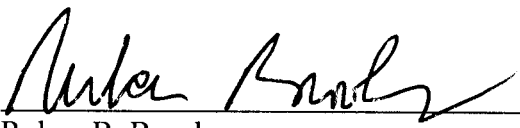
On or about **August 12, 2008** within the Southern District of California, defendant **Richard Dimas MARTINEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Yazmin CUENCA-Patron** and **Norma GONZALES-Gorrostieta** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF AUGUST, 2008



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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8/12/08

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Yazmin CUENCA-Patrol and Norma GONZALES-Gorrostieta** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 12, 2008, at approximately 11:15 PM, Border Patrol Agent J. Schneeberger was conducting his primary inspection duties with Border Patrol Agent T. Ward Jr. and Agency K-9 in the pre-primary position at the U. S. Border Patrol Traffic Checkpoint on State Route 94 located in Jamul, California. All lights and warning signs were in place and operational.

A Dodge Intrepid approached the primary position area. Agent Schneeberger motioned for the vehicle to stop. He then identified himself as a Border Patrol Agent and inquired as to the citizenship of the driver, later identified as the defendant **Richard Dimas MARTINEZ**. MARTINEZ stated that he was a citizen of the United States and handed Agent Schneeberger a California identification card. Agent Schneeberger asked MARTINEZ where he was coming from and MARTINEZ began to stutter and appeared to be very nervous. MARTINEZ finally stated that he was coming from Tijuana, Mexico.

Agent T. Ward along with his service K-9 were conducting preprimary sniffs. Agent Ward introduced his K-9 to the Dodge Intrepid and watched as the K-9 alerted and indicated to the rear trunk area of the vehicle. Agent Ward informed Agent Schneeberger of a K-9 alert to the vehicle.

Agent Ward asked if there were any individuals in the trunk of his vehicle. MARTINEZ stated "no". He then asked MARTINEZ for consent to search the vehicle and MARTINEZ stated "go ahead". Agent Schneeberger ordered MARTINEZ to exit the vehicle and escorted him into the secondary inspection area. Border Patrol Agent D. Coles drove the Dodge Intrepid into the secondary inspection area for further inspection. While in secondary, Border Patrol Agent P. Eddy searched the trunk of the vehicle. Agent Eddy pulled back a piece of the trunk floor carpet and observed an individual in a modified compartment of the trunk. Agents Eddy and Ward searched the vehicle further and discovered another person hidden in a modified compartment between the rear trunk wall and the back seat of the vehicle. Both individuals were questioned as to their citizenship. Both individuals admitted to being citizens and nationals of Mexico, illegally present in the United States without proper documents. MARTINEZ was then placed under arrest for alien smuggling.

MARTINEZ and the two illegal aliens were arrested and transported to the Brown Field Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights and indicated that he understood his rights and was willing to make a statement without an attorney present. The defendant stated that he is a citizen of the United States.

MARTINEZ stated that he was approached by an individual in Tijuana, Baja California, Mexico. He stated that the individual offered him work. When asked what type of work, MARTINEZ stated that he was supposed to drive two people through the border and to Chula Vista, California. MARTINEZ initially stated that he did not know how much he was going to be paid but admitted during subsequent questioning that he was to receive approximately \$700.00 (USD) for doing this. He further stated that at approximately 7:00 PM that night (August 12, 2008), he was driven to Tecate, Baja California, Mexico by the person that he made the arrangements with in Tijuana. He stated that they were in the car that he was eventually arrested in with the two smuggled aliens. He was taken to a house in Tecate, Mexico near the Tecate, California Port of Entry. He stated that they waited there for an unknown amount of time before two females were brought out and placed in the car. MARTINEZ stated that one of the females was placed in the trunk of the vehicle in the space where the spare tire would go. He stated that the other female was placed behind the rear passenger seat of the vehicle. MARTINEZ stated that he drove the vehicle from that house to the Tecate, California Port of Entry and entered the United States with the two females concealed within the vehicle.

MARTINEZ further stated that he was going to take the car and the two smuggled females to the Palomar Trolley stop in Chula Vista, California. After dropping them off, MARTINEZ stated that he was to return the vehicle to Tijuana, Mexico in order to be paid.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Yazmin CUENCA-Patrol** and **Norma GONZALES-Gorrostieta** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico to be smuggled into the United States. Both of the material witnesses stated that they were to pay between \$2,000.00 to \$4,100.00 U.S. dollars to be smuggled to Riverside and Los Angeles, California. Both material witnesses stated that they were placed in hidden compartments in the vehicle and driven through the Tecate California, Port of Entry.